

**Scott's Jack London Seafood Inc. and the Port of Oakland, Violation Report/Complaint for Administrative
Imposition of Civil Penalties
Revised Index of Administrative Record (3/24/17)**

	Document Description	Date
1	BCDC Permit No. 1985.019.08A	2/13/96
2	BCDC Permit No. 1985.019.09B	10/7/97
4	Letter and report from Rhonda Hirata, Cushman and Wakefield, to Adrienne Klein, dated April 23, 2004	4/23/04
5	Letter and report from Rhonda Hirata, Director, External Communications, Jack London Square Marketing, Dated March 31, 2005	3/31/05
6	Letter and report from Rhonda Hirata, Director, External Communications, Jack London Square Marketing, Dated March 31, 2006	3/31/06
7	Letter and report from Rhonda Hirata, Director, External Communications, Jack London Square Marketing, Dated February 22, 2007	2/22/07
8	Letter and report from Rhonda Hirata, Director, External Communications, Jack London Square Marketing, Dated April 7, 2008	4/7/08
9	Communication between BCDC staff and permittees, dated December 14, 2011 and January 13, 2012	12/14/2011, 1/13/2012
10	Email from Steve Fagalde, Senior Vice President, Scott's, to Julie Braun, dated December 16, 2011	12/16/11
11	Communications between BCDC staff and permittees, dated February 1 (meeting), March 9 (meeting), March 12 (submittal from Scott's), March 26 (letter to Scott's), July 10 (meeting), August 23 (letter from Scott's), September 12 (letter to Scott's), October 28 (submittal from Scott's), and November 20 (letter to Scott's), 2012	2/1/12, 3/9/12, 3/12/12, 3/26/12, 7/10/12, 8/23/12, 9/12/12, 10/28/12, 11/20/12
12	Photograph and e-mail to BCDC staff, dated December 19, 2012, from Maryann Starn, General Manager, Cushman and Wakefield to BCDC	12/19/12
13	Photograph and e-mail to Mr. Fagalde from Maryann Starn, Cushman and Wakefield, dated December 19, 2012	12/19/12
14	Communications between BCDC staff and permittees, dated January 9, January 16 (email and a letter), February 27, March 14 (plan review), May 30 (site visit notes and letter), June 3, September 3, September 5, September 6 (letter), September 30 (applications), October 29 (letter), and November 25, 2013	1/9/13, 1/16/13, 2/27/13, 3/14/13, 5/30/13, 9/3/13, 9/5/13, 9/6/13, 9/30/13, 10/29/13, 11/25/13,
15	Photographs Taken By Ellen Miramontes, Bay Design Analyst, During a Site Visit on March 7, 2013	3/7/13
16	Emails and/or Photographs from Tammy Borichevsky and Keith Miller, California Canoe and Kayak, to BCDC, Dated February 25, March 3, March 6, April 11, April 28, April 30, May 1, 2013	2/25/13, 3/3/13, 3/6/13, 4/11/13, 4/28/13, 4/30/13, 5/1/13
17	Report from, Michael Meyer, Director, Cushman & Wakefield of California, Inc., dated April 18, 2013	4/18/13
18	Julie Braun's E-mail Dated April 24, 2015 - Duplicate. See #55	4/24/15
19	May 16, 2013 Enforcement Letter from BCDC to the Permittees	5/16/13
20	May 16, 2013, Application Letter from BCDC to the Permittees	5/16/13
21	Security Officer Humphrey, submitted to Julie Braun, Port, by email, dated May 22, 2013	5/22/13
22	Undated Report From Scott's, Submitted By John Briscoe With a Letter, Dated June 20, 2013	6/20/13
23	Letter dated July 18, 2013, from Adrienne Klein, BCDC's Chief of Enforcement, to John Briscoe, Briscoe, Ivester and Bazel LLP	7/18/13
24	Report Prepared By Steve Hanson, Scott's Consultant, Dated July 19, 2013. Received by BCDC on July 23, 2013	7/19/13
25	Photograph, dated July 22, 2013, taken by Mr. Fagalde and submitted by Peter Prows, Briscoe, Ivester and Bazel LLP, former counsel to Scott's, on July 22, 2013	7/22/13
26	Email dated September 11, 2013, from BCDC Legal Intern Simran Mahal to Peter Prows, Briscoe, Ivester & Bazel, LLP, counsel to Scott's, that conditionally approved a draft legal instrument (includes LI submitted on September 6, 2013)	9/11/13
27	Email and design specifications for tables and chairs to Ms. Klein from Peter Prows, dated September 19, 2013	9/19/13
28	Email and proposed public access signage plan to Ms. Klein from Mr. Prows, dated October 15, 2013	10/15/13
29	Email and plan-view illustration showing the proposed locations of the public furniture to Ms. Klein from Mr. Prows, dated October 16, 2013	10/16/13
30	Letter to Mr. Prows from Ms. Miramontes, dated October 18, 2013	10/18/13
31	Email to Ms. Miramontes from Mr. Prows, dated October 30, 2013	10/30/13
32	Letter to Mr. Prows from Ms. Miramontes, dated November 19, 2013	11/19/13
33	Letter from staff to permittees, dated December 12, 2013, regarding legal instrument	12/12/13
34	Letter dated December 19, 2013, and photograph, to Mr. Fagalde from Ms. Koidal, General Manager, Cushman and Wakefield	12/19/13
35	Email from Linda Meyer to Margie Turrel, dated April 8, 2013, called "Pavilion Use Dates 2013-14 and attachment (forwarded to Adrienne Klein by Jenni Koidal)	4/8/13
36	Photographs taken by Ms. Klein during a site visit, on January 29, 2014	1/29/14
37	Design Review Board meeting materials and minutes on February 10, 2014	2/10/14
38	Photographs and e-mail from Lee Huo, San Francisco Bay Trail, dated February 10, 2014	2/10/14
39	Communications between BCDC staff and permittees, dated April 17, May 9, May 15, May 19, May 20, May 21, May 23, May 28, July 9, July 25, September 7, and September 23, 2014	4/17/14, 5/9/14, 5/15/14, 5/19/14, 5/20/14, 5/21/14, 5/23/14, 5/28/14, 7/9/14, 7/25/14, 9/7/14, 9/23/14
40	Report from Jennifer Koidal, General Manager, Cushman & Wakefield of California, Inc., dated March 12, 2014	3/12/14
41	Revised Annual Report - Public Pavilion Usage 2013	3/12/14
42	Series of email messages between April 18 and July 24, 2014, between Deputy Port Attorney Joshua Safran and BCDC Staff Counsel John Bowers, regarding the legal instrument	4/18/2014 - 7/24/2014
43	Observations by Sean Palmer, General Manager, Kincaid's Restaurant	4/28/14

	Document Description	Date
44	Observations by Tammy Borichevsky, California Canoe and Kayak, in an email dated April 28, 2014	4/28/14
45	Photograph attached to the letter, dated April 30, 2014, to Mr. Fagalde from Jennifer Koidal, Cushman and Wakefield	4/30/14
46	Letter dated May 16, 2014, to staff from Mr. Fagalde, wherein he declined to follow the Design Review Board's recommendation	5/16/14
47	Letter to Mr. Fagalde, dated July 2, 2014, from Monique Scott, Assistant Property Manager, Cushman and Wakefield	7/2/14
48	Ms. Klein's observations during a site visit on September 19, 2014, documented with photographs	9/19/14
49	Meeting between BCDC staff and permittees on November 18, 2014	11/18/14
50	Three photographs submitted by Mr. Miller, California Canoe and Kayak, via email on December 8, 2014	12/8/14
51	Email from Steve Hanson to Julie Braun, dated January 16, 2015. Subject: Public Quarterly Submittal for January through March 31, 2015. Attachment: Pavilion 2014 1st quarter dates January - March 31, 2014	1/16/15
52	Communications between BCDC staff and permittees, dated January 29, February 20, 2015	1/29/15, 2/20/15
53	Report from Michael Meyer, Director, and Jenni Koidal Cushman & Wakefield of California, Inc., dated March 16, 2015	3/16/15
54	Annual Report - Public Pavilion Usage 2014	3/16/15
55	Design Review Board meeting materials and minutes on April 6, 2015	4/6/15
56	Observations of Keith Miller, California Canoe and Kayak, in an email, dated April 16, 2015	4/16/15
57	Observations of Julie Braun, Port, in an email, dated April 24, 2015 - Duplicate See #18	4/24/15
58	Email, dated April 30, 2015, from Keith Miller	4/30/15
59	Email between Kelly Hodgins and Jenni Koidal, dated June 9, 2015, at 2:13 p.m. and 5:51 p.m. Subject: Revisions for 2nd Quarter Pavilion Report from Scott's JLS	6/9/15
60	Email from Kelly Hodgins to Jenni Koidal, dated July 1, 2015. Subject: 3rd quarter Pavilion Report Scott's JLS	7/1/15
61	Email from Jennifer Koidal, dated July 13, 2015, which includes four 2013 quarterly reports, four 2014 quarterly reports, & three 2015 quarterly reports	7/13/15
62	Keith Miller's and Jennifer Koidal's observations on September 21, 2015	9/21/15
63	Email from Steve Hanson to Julie Braun, dated January 12, 2016. Subject: Public Quarterly Submittal for January through March 31, 2015. Attachment: Pavilion 2014 1st quarter dates January - March 31, 2014	1/12/16
64	Communication between Adrienne Klein and 3 staff members of the City of Oakland on February 5, 2016	2/5/16
65	Email from Jenni Koidal to Adrienne Klein, dated June 28, 2016. Subject: BCDC. Attached: 2015 Pavilion Use	6/28/16
66	Email and 3, 2016 Quarterly Reports from Jennifer Koidal, Vice President and General Manager, CIM Group, dated July 18, 2016	7/18/16
67	Letter from Jenni Koidal to Adrienne Klein, dated July 18, 2016 and 2015 Annual Report	7/18/16
68	Letter from Jenni Koidal to Adrienne Klein, dated July 18, 2016 and 2016 Annual Report	7/18/16
69	Annual Report - Public Pavilion Usage 2015 (No Report Attached)	7/18/16
70	Letter from Jenni Koidal to Adrienne Klein, dated August 1, 2016. Subject and Attached: 1st and 2nd quarter pavilion use	8/1/16
71	Photographs taken by Tammy Borichevsky and submitted by Keith Miller on August 15, 2016	8/15/16
72	Photographs taken and submitted by Tammy Borichevsky and Keith Miller on August 16, 2016	8/16/16
73	Photographs taken by Robert Howard on August 13, 2016, by Ade Barari on August 14, 2016, and by Mark Madamba on August 15, 16, and 17, 2016, and submitted by Jennifer Koidal, CIM Group, on August 23, 2016	8/23/16
74	October 20, 2016 Enforcement Committee Meeting and Public Hearing Minutes	10/20/16
75	November 3, 2016 Commission Meeting and Public Hearing Minutes	11/3/16
76	Letter and attachments to Marc Zeppetello from Michael P. Verna, Bowles and Verna LLP	12/8/16
Documents Added to the Record After Issuance of the Violation Report		
77	Deposition Subpoena for Production of Business Records issued to Scott's Jack London Seafood, Inc.	12/22/16
78	Port of Oakland Statement of Defense and accompanying documents	1/23/17
79	Scott's Statement of Defense (including Declarations of Elizabeth Gallagher, Steve Hanson, Michael Verna, Sandre Swanson, Michelle Lewis, Sally Parsons, and Gina Longmire, and accompanying exhibits)	1/23/17
80	Scott's Jack London Seafood, Inc. Balance Sheets for December 2015 and December 2014	
81	BCDC Letter to the Port of Oakland re: Apparent Violations of BCDC Permit No. 1985.085.00A	7/26/00
82	Scott's Letter to BCDC re: Request Changes to Guidelines for Private Use of Public Pavilion	6/1/01
83	BCDC Response Letter to Scott's Request for Amendment 11 to BCDC Permit No. 1985.085.00A	6/26/01
84	Letter to BCDC from The Port of Oakland Environmental Department	3/30/94
85	BCDC Application Form, Attachment A, Box 5, Project Information	3/30/94
86	Executive Director's Recommended Enforcement Decision for Proposed Cease and Desist and Civil Penalty Order No. CDO 2017.01 Scott's Jack London Seafood, Inc. including exhibits and proposed cease and desist and civil penalty order	2/3/17
87	February 16, 2017 Enforcement Committee Meeting and Public Hearing Transcript	2/16/17
88	Public Comment email from Bob Sikora re: CDO 2017.01 Scott's Jack London Seafood, Inc.	2/5/17
89	Public Comment email from Kristine Kern re: Common Sense - Scott's Fine	2/5/17
90	Enforcement Committee's Recommended Enforcement Decision including proposed cease and desist and civil penalty order	2/24/17